

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DAVID TYRONE HILL,

Plaintiff

v.

C-1-12-63

WARDEN SOUTHERN OHIO
CORRECTIONAL FACILITY,

Defendant

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 24), plaintiff's response (doc. no. 26) and defendant's response thereto (doc. no. 27). The Magistrate Judge recommended that plaintiff's case be DISMISSED WITH PREJUDICE for lack of prosecution.

Upon a *de novo* review of the record, the Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (doc. no. 24). Plaintiff's case is DISMISSED WITH PREJUDICE for lack of prosecution.

This case is TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court